

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ARTHUR JACKSON,

Plaintiff,

v.

BOB EVANS - COLUMBUS,

Defendant.

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2:04cv559

Electronic Filing

Judge Cercone

Magistrate Judge Lenihan

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on April 13, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 4, 2006 (Document No. 54), recommended that Defendant's Motion for Summary Judgment be granted. Service was made on Plaintiff at 23 Circle Road, Daisytown, Pennsylvania 15427, and on counsel for Defendant. Plaintiff filed timely objections to the Report and Recommendation on December 19, 2006 (Document No. 55), which the Court has reviewed and found to be without merit.

After review of the pleadings and documents in the case, together with the Report and Recommendation and objections thereto, the following Order is entered:

AND NOW, this 22nd day of December, 2006,

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment(Document No. 42) is **GRANTED** and the case is **DISMISSED WITH PREJUDICE**.

The Report and Recommendation of Magistrate Judge Lenihan, dated December 4, 2006, is adopted as the opinion of the Court.

The Clerk of Court shall mark this CASE CLOSED.

s/ David Stewart Cercone
David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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